

United States District Court

DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS
OF RELEASEJavier Diaz

Defendant

Case Number: 04-10237-NG

Place

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear at (if blank, to be notified) U.S. DC

CTRM #2

on

5/8/06 9:00 A.M.

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

() (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

() (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of Five hundred Thousand dollars \$ 500,000 dollars in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and State) _____ (Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

() (7) The defendant shall:

() (a) maintain or actively seek employment.

() (b) maintain or commence an educational program.

(✓) (c) abide by the following restrictions on his personal associations, place of abode, or travel:

TRAVEL RESTRICTED TO MASS.
MAINTAIN RESIDENCE AT 38 Ashley St. 2nd FLOOR IN NEW BEDFORD
MA

(✓) (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
NO CONTACT w/ ANY POTENTIAL WITNESSES

(✓) (e) report on a regular basis to the following agency:

Report as directed PTS.

(✓) (f) comply with the following curfew: 7:00 PM - 6:00 AM

(✓) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.

(✓) (h) refrain from excessive use of alcohol, and any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.

() (i) undergo medical or psychiatric treatment and/or remain in an institution, as follows:

(✓) (j) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property: _____

() (k) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: _____

() (l) execute a bail bond with solvent sureties in the amount of \$ _____

() (m) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____

() (n) surrender any passport to _____

(✓) (o) obtain no passport.

() (p) Notify PTS w/in 24 hrs of any re-arrest or any contact w/ Law Enforcement; submit to Random drug testing;

Advice of Penalties and Sanctions

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. §3148, and a prosecution for contempt as provided in 18 U.S.C. §401 which could result in a possible term of imprisonment or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not less than two years nor more than ten years, if the offense is a felony; or a term of imprisonment of not less than ninety days nor more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

18 U.S.C. §1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. §1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. §1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

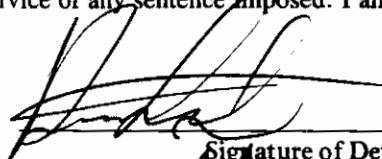
It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

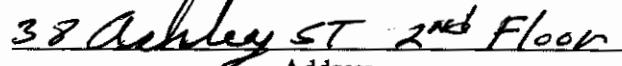
A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

Acknowledgement of Defendant

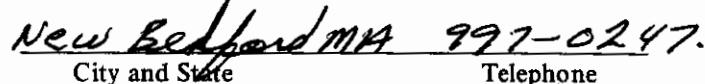
I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant



Address



City and State

Telephone

Directions to United States Marshal

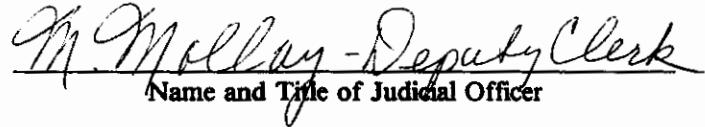
The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 3/27/06



Signature of Judicial Officer



Name and Title of Judicial Officer